IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 14007 of 2004

Between:

The Karimnagar Education Society, Karimnagar, Registered No. 864 of 1984, rep by its President, Gourisetti Thirupathi S/o Venkataiah O/o Door No. 3-7-619, Jagtial Road, Karimnagar.

..... PETITIONER

AND

1 The District Registrar, Registration & Stamps, Karimangar
2 The Joint Sub Registrar, Registration & Stamps, Karimnagar
3 Marella Narayana Reddy S/o Venkat Reddy, r/o Irukulla (V) Karimnagar Mandal & District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, more in the nature of Writ of Mandamus declaring the action of the Respondent Nos.1 & 2 herein in accepting the Deed of Cancellation No. 8177/04, dt.02-08-2004 regarding Sy.No.72 measuring Acre. 5.2 gts., situate at Irukulla Village, Karimnagar Mandal & district Covered by earlier Gift Deed No.1198/98 as bad, illegal, arbitrary and violative of Articles 19, 21 and 300-A of Constitution of India and to set a side the same.

Counsel for the Petitioner: MR.C.RAMESH SAGAR, Advocate

Counsel for Respondents 1 and 2: Govt. Pleader for REVENUE.

The Court made the following:

ORAL ORDER:

The Gift Deed executed in favour of the petitioner by the 3rd respondent was cancelled through Cancellation Deed No.8177 dated 02-08-1998. Questioning the registration of Cancellation Deed by the 2nd respondent present writ petition is filed contending that before cancellation of the Gift Deed executed earlier the 3rd respondent has not issued any notice and the said Cancellation Deed cannot be registered without knowledge and consent of the petitioner. In view of the same, learned counsel for the petitioner contends that Commissioner and Inspector General, Registration and Stamps, Hyderabad issued a Memo dated 15-03-2004 directing the sub-Registrars not to accept the documents of cancellation of sale deeds whenever they are presented in the light of the orders of High Court in W.P.No.5995 of 2001 dated 09-05-2004. In spite of the same, the 2nd respondent not only entertained the Cancellation Deed and but also registered the same, which is arbitrary, illegal and in violation of Articles 19, 21 and 300A of the Constitution, and the same is liable to set aside.

Learned counsel for the petitioner placed much reliance on the judgments of this

Court in ***ABL.INTERNATIONAL LTD. V. EXPORT CREDIT GUARANTEE CORPN. OF INDIA LTD.; B.V.DURGA RAO v. S.LAKSHMI*** *and* ***K.GOPAL REDDY v. SECRETARY, M/S. VIJAYA CO-OPERATIVE HOUSE BUILDINGS SOCIETY*** for maintainability of the writ petition. All the judgments on which much reliance was placed were misplaced to the facts of the present case.

This Court In ***PROPERTY ASSOCIATION OF BAPTIST CHURCHES v. SUB-REGISTRAR, JANGAON, WARANGAL*** categorically held that the limited power of the registering officer to enquire into the objections that the executing party had no right to execute document get extinguished the moment the document is registered. No power inheres in the registering officer or the District Registrar to cancel the deeds, unless another document is presented with proper stamp duty and registration purpose. A party aggrieved by a registered document on conveyance has to file a civil suit seeking proper declaration under Section 34 of the Specific Relief Act.

In the present case, earlier Gift Deed, which was registered in favour of the petitioner was cancelled through Cancellation Deed and presented for registration and the same was registered. The moment it is registered, the remedy of the petitioner, if any, is to approach the civil court seeking proper declaration.

The writ petition is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J

18-08-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Registrar, Registration & Stamps, Karimangar
2 The Joint Sub Registrar, Registration & Stamps, Karimnagar
3 Two CCs to the Govt. Pleader for Revenue, High Court

Buildings, Hyderabad (OUT)

2.2CD copies.